

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ELIZABETH ELINKNAN, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

Civil Action No.: 4:18-cv-00108

RP FIELD SERVICES, LLC, and
NATIONAL CREDITORS
CONNECTION, INC.,

Defendants.

DECLARATION OF MICHELE FISHER

I, Michele R. Fisher, hereby declare:

1. I am a partner at the law firm of Nichols Kaster, PLLP. I represent Plaintiffs in the above-referenced matter.

2. Our damages model permits us to adjust variables and see the calculations that result. Including liquidated damages in the equation results in the following description of what the settlement allocation is equivalent to:

- 100% chance of winning liability (which is by no means certain as Plaintiffs would have to prevail on the issue of independent contractor status, and then show overtime and minimum wage violations);
- .6 hours added at the beginning and .6 hours at the end of the day to compensate for alleged additional tasks performed outside of the data provided (which is by no means certain that Plaintiffs will prevail as Defendants dispute this time allocation and that additional tasks are required to be performed at the beginning or end of the day for every field representative);

- .76 hours added for time spent at each stop (which is by no means certain that Plaintiffs will prevail as Defendants dispute this time allocation); and
- \$62 per month as purported reasonable expenses in assessing whether there were minimum wage violations (which is by no means certain as Plaintiffs would have to prevail on the issue of independent contractor status).

Applying these variables results in a total of \$297,421.14 in damages for Plaintiffs and putative plaintiffs for a two-year statutory period, including full liquidated (double) damages. The \$297,778.05 that is proposed for allocation is just over this amount. Moreover, setting hours in the calculation model at 1 hour at the beginning and 1 hour at the end of the day, .76 of an hour at each stop, expenses at \$95.50, and setting the chance of winning liability at 50% rather than 100%, and then including liquidated (double) damages, results in a calculation for the two-year statutory period of \$292,021.64. All these calculations produce a similar result of just slightly less than the amount the parties propose for allocation. Thus, there are multiple ways to describe the settlement that support it is fair and reasonable.

3. A summary of Plaintiffs’ Counsel’s fees to date is below:

Name	Firm	Hours	Rate	Total
Michele Fisher (Partner)	Nichols Kaster, PLLP	120.8	\$600.00	\$72,480.00
Neil Pederson (Associate)	Nichols Kaster, PLLP	221.3	\$325.00	\$71,922.50
Christine Rued (Senior Paralegal)	Nichols Kaster, PLLP	24.9	\$175.00	\$4,357.50
Clerks/Admin. Asst (Staff)	Nichols Kaster, PLLP	316.3	\$175.00	\$55,352.50
Scott Brady (Partner)	Bohrer Brady, LLC	44.13	\$400.00	\$17,652.00
Phil Bohrer (Partner)	Bohrer Brady, LLC	12	\$450.00	\$5,400.00
Totals		683.3		\$227,164.50

4. Attached are true and correct copies of the following:

- Exhibit A Revised Notice of Settlement and Release of Claims Form;
- Exhibit B Addendum 1 to Settlement Agreement;
- Exhibit C Nichols Kaster PLLP Time Detail (for *en camera* review);

Exhibit D Bohrer Brady, LLC Time Detail (for *en camera* review).

Pursuant to 29 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: March 12, 2020

s/Michele R. Fisher
Michele R. Fisher